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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA	)	
ex rel. DANIEL COLEMAN #N84660,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 08 C 660
	)	
DONALD A. HULICK, WARDEN,	)	
	)	
Defendant.	)	

MEMORANDUM

Daniel Coleman ("Coleman") has filed a Notice of Appeal from this Court's January 31, 2008 dismissal of his 28 U.S.C. §2254 Petition for Writ of Habeas Corpus, requiring this Court under Fed. R. App. P. 22(b) either to issue a certificate of appealability or to state the reasons why such a certificate should not issue. But just after this Court received a notice from the Court of Appeals requesting such action, it received an earlier-filed Motion from Coleman (copy attached) in which he recognized that any appeal would be frivolous and asked that his Notice of Appeal be recalled.

This memorandum is being delivered to the Court of Appeals for its information and for appropriate action (this Court does not of course have jurisdiction to "recall" the Notice of Appeal). But Coleman is advised that the "stay-and-abeyance" concept addressed in Rhines v. Weber, 544 U.S. 269 (2005) is inapplicable to his situation, and this Court will not alter its dismissal of the Petition on the ground that it is barred by the

independent and adequate state ground doctrine.

A handwritten signature in cursive script, appearing to read "Milton I. Shadur", is written above a horizontal line.

Milton I. Shadur  
Senior United States District Judge

Date: March 13, 2008

United State District Court, Northern District  
OF ILLINOIS

FILED

MAR 10 2008

MAR 10 2008

sent

MICHAEL W. DORRINE  
CLERK, U.S. DISTRICT COURT

United State of America  
ex rel. Daniel Coleman #084660  
Petitioner

No. 08 C 660

v.  
Donald A. Hulick, Warden  
Defendant

MOTION

Honorable Judge Milton I Shadur Around 1/13/08  
You Denied my Federal Habeas Corpus Petition.

Around Feb 28, 2008, I filed a Notice of Appeals with  
All do respect MAY I recall that filing, that NOT what I need it to do,  
I was instructed to do this by the law Clerk(s).

Here in Menard this facility does NOT have certified legal  
assistance, I did NOT received proper legal assistance once denied, what  
should be file and properly

Around Feb. 29, 2008. After viewing cases and Rules that  
were cited in the Memorandum Opinion and Order, To proceed any  
further at this moment would be frivolous.

my request Honorable Judge Milton I. Shadur let me recall my  
Notice of Appeal, And hold my Federal Habeas Petition see; Rhines v.  
Weber 124 S. Ct. 1523 (2005) and grant me a return on this Federal  
Habeas Petition, Rhines v Weber 124 S.Ct. 1523 (2005) IN ABEVANCE.

Thank you

Daniel Coleman  
#084660